

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

Century Aluminum of South Carolina, Inc.,) Civil Action No. 2:17-cv-274-RMG
)
Plaintiff,)
)
vs.)
)
DEFENDANT SOUTH CAROLINA
PUBLIC SERVICE AUTHORITY'S
MOTION TO DISMISS
South Carolina Public Service Authority,)
)
Defendant.)

The undersigned counsel for Defendant South Carolina Public Service Authority (“Santee Cooper” or the “Authority”), respectfully moves this Court for dismissal of this action pursuant to Rule 12(b)(6) of the Federal Rule of Civil Procedure for failure to state a claim upon which relief may be granted for the following reasons:

- (1) The state action immunity doctrine established in *Parker v. Brown*, 317 U.S. 341 (1943), immunizes the Authority from federal and state antitrust claims;
- (2) Tying is not possible as a matter of law under South Carolina's regulated retail electric service market; and
- (3) The South Carolina Unfair Trade Practices Act does not apply to public entities or to actions permitted by state law.

In support of its Motion, the Authority incorporates the accompanying memorandum.

[signature page attached]

Respectfully Submitted,

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(pro hac vice to be submitted)

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